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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,387	10/20/2003	Dennis Barber	470223.00010	4147

26710 7590 07/13/2005

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MILWAUKEE, WI 53202-4497

EXAMINER
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SCHWARTZ, CHRISTOPHER P

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/689,387

Applicant(s)

BARBER ET AL.

Examiner

Christopher P. Schwartz

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Applicant's amendment filed 4/25/05 has been received and considered. Claims 1-20 are pending in the instant application. It is noted the claim identifier for claim 1 is incorrect as the claim has been amended.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 remains rejected under 35 U.S.C. 102(b) as being anticipated by Sonehara '282..

Regarding claim 1, as discussed previously, Sonehara discloses a suspension system for the cab of a vehicle comprising a first cylinder (any of the cylinder assemblies at 22,23) as claimed, a first accumulator (any of 18) having a first port (entrance into the accumulator(s)—as per applicant's as now identified in their amended specification and drawings) coupled to the first chamber of the first cylinder, a second accumulator, as previously noted, but located in the area of another wheel 19,20 either on the opposite side of the vehicle or on the same side, a hydraulic circuit node—junction between valves 15 (along line 13—other “nodes” could be also be interpreted as the “hydraulic circuit node”), a first orifice (18a on front left side “FL” of the vehicle) connected between the first port of the first accumulator and the hydraulic node and conveying fluid between the first port and the hydraulic circuit node, as now claimed

(note different positions of valves at 16 on either side of the vehicle), a second orifice (any of the other orifices 18a) and functioning as now claimed, and a leveling valve 16 on front left side of the vehicle and having a first position in which the hydraulic node is coupled to a source of pressurized fluid, either pump 4, accumulator at 8 etc. a second position in which the node is coupled to a tank 2 and a third disconnected position, as per applicant's.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 2-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Sonehara in view of Rogala '238.

Regarding claim 2 although Sonehara lacks a specific showing of one of the cylinders (or the system for that matter) having the check valve, orifice, and relief valve, such a system is well known in the art.

This is taught in figure 5 of Rogala '238 at 18 or 208.

One having ordinary skill in the art at the time of the invention would have found it obvious to have substituted like components of Rogala for those of Sonehara dependent upon the particular ride and handling characteristics desired as such a modification would merely amount to the substitution one of well known set of suspension components for another.

Regarding claims 3-5 these requirements are met in view of the modification above.

Regarding claims 6,7 note the valve in the area of 68 of Rogala '238. It would have been obvious to have included this valve, in the proposed modification above, to regulate fluid pressure within the system of Sonehara, as modified, to a specific degree.

Regarding claims 8-10 as broadly claimed, these requirements are fairly suggested by the combined references above. Note for instance the sensors at 28,31 in Sonehara.

Regarding claim 11 the support in Sonehara, as modified, could be mounts and/or bushings, suspension linkages etc. that are inherent in this reference (or otherwise obvious—as is known in the art) that permit relative movement between the vehicle component or cab and chassis. In light of the combined references above these limitations are fairly suggested.

Regarding claims 12-20 as explained above these requirements are met.

***Response to Arguments***

7. Applicant's arguments filed 4/25/05 have been fully considered but they are not persuasive. At the outset applicant's representative has done very little in the way of amending claim 1 to define over the prior art of record. It does not appear the reference to Sonehara was carefully studied. Applicant's first argument is that "one of ordinary skill in the art would not consider an orifice 18a for an accumulator in another suspension system section in Sonehara as being connected between that accumulator and the node 18a of the front left suspension section...". It is not clearly understood what applicant's representative means by this statement. The test for anticipation of a claim by a prior art reference is not what "one of ordinary skill in the art would consider" something to be but what the reference discloses, either in the specification or by way of example in the drawings, to anticipate all of the claimed limitations found in a claim. The reference to Sonehara clearly discloses all of the claimed limitations, as broadly claimed, in amended claim 1, as explained in the action above.

The rejection is therefore maintained to be proper and is therefore made FINAL.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

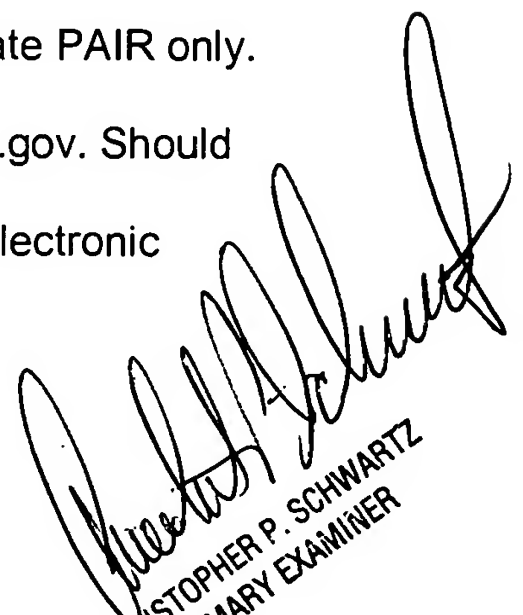
mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Schwartz whose telephone number is 571-272-7123. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bucci can be reached on 571-272-7099. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cps  
7/8/05



CHRISTOPHER P. SCHWARTZ  
PRIMARY EXAMINER